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Observations on the History of Virginia:

A DISCOURSE

DELIVERED BEFORE THE

VIRGINIA HISTORICAL SOCIETY,

AT THEIR

EIGHTH ANNUAL MEETING,

DECEMBER 14, 1854.

BY HON. R. M. T. HUNTER.

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DISCOURSE.

*Mr. President and Gentlemen
of the Virginia Historical Society:*

When I received the invitation to deliver your annual discourse, I was so well aware that I could not bring to the task that fullness of knowledge which is essential to do justice to the subject, that my first impulse was to decline the honor, highly as I esteemed it. But, upon subsequent reflection, it struck me that I might perhaps render useful aid to your Society, by calling public attention, in some degree, to the great importance of the objects of your pursuit, and the high value of such labors not only to ourselves, but to others. I cannot be accused of error in bearing such testimony to the great objects of your pursuit, by those who reflect upon their nature and tendencies. For surely one of the highest offices that man can render to his race, is to store up the experience and the ideas of the present generation for the uses of those which are to succeed it, and to render such treasures of the past accessible to his cotemporaries. Next in importance to him who first conceives the great thought, or originates the high example, stands the man who preserves the example and perpetuates the thought for the everlasting use and possession of the generations which are to succeed him. It is through man's capacity to use the experience and the thoughts of his fellows,

and to store up and accumulate such treasures by adding the present stock to that of the past, that he mainly secures the means of the progress and growth which so distinguish him from all other animals. To ascertain the extent of the development which the human race may attain by the use of such means, we have only to compare the Anglo-Saxon, the Celt or the Teuton of to-day, with his rude ancestors, who roamed through the forests of Gaul, or of Germany, as described to us by Cæsar and Tacitus. (I will not take the more striking comparison between the Bushman or Fetish worshiper of Africa with his civilized cotemporary, because that might be ascribed more to a difference of race than of cultivation, to which alone I refer at present. The first presents a case quite strong enough for the purposes of illustration, as there is almost as much difference between the former and present condition of the races, as between the first and last state of the statue man, imagined by the French philosopher to awaken, sense by sense, into existence, until he stood completely clothed in all the attributes of humanity.) Take, then, the savage ancestor and the civilized descendant and compare them, sense with sense, and faculty with faculty, and how vast is the difference! The vision of the first was bounded by the limits of the sensible horizon; a few miles upon earth, and some of the larger objects in the heavens alone were visible to him, whilst he was entirely unconscious of the myriads of beings, living and moving within and around him. The vision of the last penetrates into the very depths of space, and discovers worlds and systems of worlds, all unknown to his rude progenitor; he weighs their substance, measures their dimensions, and calculates their motions, with an accuracy which the other hardly attained with regard to the objects of his immediate contact; or, turning his magic glass, he explores a microcosm in the almost infin-

itesimal atom, and becomes sensible of myriads of beings, who people it and give it life. How many more times, then, is the last a man, as compared with the first, if tested by the sense of sight alone! Tried by the faculties of physical strength and motion, the difference is still as great in his favor. He directs and controls the most subtle and powerful physical agencies, and imprisons captives far mightier than Samson, who grind blindly at his mill. Still more wonderful is his superiority in the means of communicating with his fellow. His thoughts are exchanged in seconds over distances through which formerly they could not have been communicated in months; and he himself flies along the earth with a speed greater than the horse, and perhaps equaling that of the bird. In this vast increase of the means for accumulating strength and for association amongst men, how much greater is the amount of power which falls to the share of the civilized individual than that to which the savage ancestor could by possibility have aspired!

Doubtless the wild man of the woods could distinguish between sounds, as pleasant or unpleasant, as grave or gay, but what sense had he of the hidden harmonies which floated in the air around him? Did he dream that the very air which he breathed could be modulated into sounds which subdue the senses by their tones, and stir the soul to its inmost depths, speaking in the only universal language known to man, with an unerring concord, and a certainty of expression which the original curse of Babel has never reached to confuse or destroy? So, too, he must have had some idea of the beautiful, in the forms of things; but it was as transitory as the lights and shadows which flitted by him. To fix the idea ere it fled, and reproduce it in forms more eloquent than words; to make sentient the cold impassive stone, and to embalm emotions and sentiments in lights borrowed from heaven,

would have been indeed to him an “art and a faculty *divine*,” so far did it transcend his power of execution. Nor is the superiority of the last over the former generation of the men of whom I have been speaking, less striking in a moral, than in a physical point of view. Conceptions over which a Newton, or a Leibnitz, or Bernouilli, or Euler, toiled in his study, are now the daily exercises of boys at college; and the higher and subtler analysis of La Grange, or La Place, is probably destined to be mastered with equal facility hereafter. Ideas whose origination cost so much to a Plato, or an Aristotle, a Bacon, a Des Cartes, or a Kant, are now the common property of the world, and thousands understand thoughts which probably not one of them could have discovered.

In times of peace, and since the invention of printing, it may almost be said that each generation starts from the point that the last had attained; and if in comparing the present with the past, we find so vast a difference in favor of the existing generation of men, with what proud hopes may we not be justly inspired for the future progress of our race! If the difference between the two generations whom I have compared be such as would seem to a superficial observer to indicate a superior nature in the last, what may we not rightfully expect of future improvement, when we think of the greater opportunities for progress which each succeeding generation will enjoy? A proud thought this, but not too proud, if we remember, with becoming gratitude and humility, to whose power it is that we owe these faculties and opportunities, and endeavor to fulfill the conditions upon which alone such a promise could have been given. One of these conditions undoubtedly is, that we should preserve the experience and the ideas of the past and the present, for the use of the future. Without this faculty of one

man to use and possess himself of the example and ideas of another, our race could never have reached the point to which it has already attained; and without the means of preserving these examples and these ideas, that faculty could not be exercised. To preserve these is the historian's function, yours, Sir, and that of the Society over which you preside.

I have already said that I rate the historian next only in point of importance to him from whom first emanates the great example, or high conception, and who, by original discovery, extends the boundaries of human thought; and to this extent I think experience will fully bear me out. The historian is the treasurer who stores away and preserves the moral wealth of the human race, and hoards up the ideas and conceptions which are as essential to its spiritual growth and elevation, as material means are to its physical existence. But there is one great and never to be forgotten difference between the two species of wealth, moral and material, which leaves no doubt as to the superior value of the former. In the first, each may enjoy all, and yet leave no smaller individual share to another; it is not consumed by its use, and suffers no loss by division; in the last, when one takes a part, less is left for his neighbor. In the first, the broadest socialism is practicable, the property is improved from its possession by many, and such is the law of its increase and growth; in the latter, individual and exclusive possession of a part seems to be the law of the growth of the whole, and hence arise manifold difficulties, to which I may perhaps allude, but cannot in this place develop. In a few words, the difference between the two, is all the difference between the finite and the infinite.

I have dwelt somewhat upon this topic, even at the risk of seeming metaphysical, because I felt that I was touching upon a subject which is hardly enough consid-

ered at this day, by statesmen and philosophers, and all those, in short, who seek to lead the march of human thought. In the development of material wealth and power, there never has been such a period as the present in the history of the human race. Can we say the same of the care bestowed upon its moral resources? That the moral progress of our race has been great, I have already admitted; but is there not danger, that in the eager pursuit of material wealth, and physical improvement, we may not sufficiently consider the culture of those moral resources, whose development is so important to a high national character?

If the uses of human history be such as approximate to those I have described, how can we over-estimate their importance, or that of the faithful historian? When I speak of the historian, I do not mean him only who narrates events in letters and sentences. He who preserves a record of thoughts and sentiments, is as much to be valued as a historian, as he who chronicles human actions and passions; and he who preserves a great conception for the uses of posterity, performs the duty of a historian, no matter what the shape in which it may be perpetuated as a possession to mankind. Thucydides was no more a historian of the time of Pericles, than Phidias; from the one we learn the march of its events, from the other the state of the arts; and realize a conception of the beautiful, so preserved as to be food for the thought of after ages. The Elgin marbles are as valuable to us in an historical point of view, as the most splendid passages of Thucydides, and the friezes of the Parthenon are so many pictured pages, which speak of the past both to the mind and eye of the beholder, and almost with the force of a living witness. Whatever preserves an idea or the memory of a fact for the benefit of man, is historical in its uses; and all the various forms in which this

object is attained, deserve our study and consideration. The great historians who are distinguished alike for powers of narration, sagacious criticism, and faithful delineations of the characters of nations, or individuals, are truly of rare occurrence, "*homines centenarii*." It is not for every era, or every people, to produce even one of them. The Thucydides, or Tacitus, or even the Herodotus, or Livy, of the English language, has not yet appeared. But in all civilized countries, the means and the men exist for collecting monuments and traditions, from which their history may be understood, or written; to collect, and if possible to arrange them, is the great duty of an association such as yours, a duty which it may be said, that every people, so far as their own annals are concerned, owe to their ancestors, to themselves, and to humanity.

Many of the civilized nations of the earth, seem to be acting under a sense of their obligations in this regard, and a most extraordinary success has rewarded their labors. With the expedition of Napoleon into Egypt, commenced a series of researches into the monumental history of the earth, whose results have been at once startling and gratifying. Thanks to modern discovery, the Rosetta tablet now ranks with the Arundelian marbles in point of historical importance, and the pictured pages on the books of stone of monumental Egypt, which for so many ages have defied his scrutiny, are now found to yield up their secrets to the inquisition of man. The boundaries of authentic history have been set back for several ages in the past, monuments of more than five thousand years of age have been identified, and a period of many centuries has been recovered from the realms of night and chaos into which it had fallen.*

* Bunsen's "Egypt's Place in Universal History," vol. I, page 28 of Introduction, and pages 83 and 99.

Almost everywhere enterprises have been set on foot by government, by associations, and even by individuals, to explore the monumental records of our race, and to wrest from the cold, impassive face of the silent stone, some portion at least of the story of humanity. The land of "Eld," the immutable and immemorial East, is everywhere searched for its traditionary treasures of human lore, and whole cities of the dead have been uncovered to the astonished gaze of civilized man. Heroes whose very existence had seemed fabulous, now take their appropriate niche in the Temple of Fame, and eras whose traditions had been hid in the "awful hoar" of innumerable ages, once more assume their place in the page of authentic history. Still, as we tread these silent chambers of the long-forgotten dead, we start at the unmistakable signs of their fellowship with ourselves in all the passions of the human race. Amidst the mazes of winged bulls, and sculptured lions, we see pictured on the everlasting stone, the same dark story of human suffering, and human wrong. The conqueror, returning from afar, rode then as afterwards, triumphant in his chariot, and dejected files of the captives of his bow and spear, in sad procession followed in his train. Then, as now, man sought to perpetuate the story of his power and prowess, by monuments so lasting as to defy the ravages of time. As the wayfarer on a distant shore leaves some sign by which he seeks to perpetuate a sense of his presence to those who may succeed him, so we find that humanity has set its marks in these remote and newly-discovered regions of the Past. Light begins to stream in many a dark crypt through fissures made by the investigating hand of man, and night slowly lifts its curtain from events upon which its shadow had reposed until they had become forgotten, and unknown. It would be surprising indeed, if such things as these had not served to

awaken expectation, and excite inquiry. In the midst of so stirring a scene, and in view of the honorable rivalry amongst civilized nations for precedence in the path of historical inquiry, shall apathy be found only here, in the "ancient Dominion," as Virginia styled herself by her own House of Burgesses so far back as 1699? Shall we suffer the very records of our own history to be lost irrevocably, when they might be preserved with so little trouble? Surely there never started an argosy more richly freighted with human destiny, than the little fleet of three vessels which, on the 19th of December, 1606, left the shores of England in search of Virginia; for it was the venture which first planted successfully the germ of Anglo-Saxon civilization upon the continent of America. Had this enterprise been the favorite subject of an imagination as lively as that of the Greeks, who made so much of the voyage of the Argonauts, and their first exploring expedition into the Euxine, it would long since have been celebrated as a chosen theme in history and in song. Each had its fabled dangers to encounter, and each gave a rich promise of real results. If the Symplegades threatened to inclose the ship of the one in their deadly embrace, the "still vexed Bermoothes," or "Isle of Devils," as the early adventurers called it,* lay in the way of the other. The fleece of gold was the charm which attracted both.

In the whole history of human adventure, perhaps none ever beheld a scene more wild and strange than that which stretched before the eyes of the first settlers of Virginia, as they laid upon the quiet bosom of the James, whose silent waters rolled from they knew not where, and whose silver line made the only break in the vast and dark expanse around them. The painted Indian,

* 3 Hening, p. 181.

in his wild array of skins and feathers, stood like some pictured figure in the silent scene of which he formed a part. Pathless forests stretched far away in boundless and unknown space, whose silence was disturbed only by the strange cries of animals as yet unseen, and whose eternal shadows seemed to rest upon mysteries as deep as the solitude in which they were hidden. Secrets of human destiny were there, and a future whose vast and manifold scroll was as yet unsolved even to the eye of imagination itself. Upon this vast field, the human race was to take a fresh departure, and they themselves were to plant the germ of a new civilization, whose growth was to be at least as rich as the lately discovered world around them. Had some one arisen, as of old, more prescient than the rest, to foretell the destiny which awaited them, like the Hebrew mother, they would have smiled with incredulity at the magnitude of the promise, and turned a faithless ear to the prophet and his prophecy.

In all that crowd, perhaps there was one whose imagination might have been filled with such a conception, I mean Capt. John Smith, the true founder of the colony, and the first historian of Virginia, whose strangely chequered life had been such as to teach him a distinction between the unknown and the impossible; and who, with all the faith of genius was capable of aspiring to great things. With the country itself, he seems to have been completely fascinated, for he declared that "heaven and earth seemed never to have agreed better to frame a place for man's commodious and delightful habitation." * And Beverly too, writing about a century after, says, "the country is in a very happy situation between the extremes of heat and cold, but inclining rather to the first. Certainly it must be a happy climate since it is

* Smith's History of Virginia, p. 114.

very near the same latitude with that of the Land of Promise. Besides, the Land of Promise was full of rivers, and branches of rivers, so is Virginia; as that was seated on a great bay and sea, whereon were all the conveniences of shipping, so is Virginia. Had that fertility of soil? so has Virginia, equal to any land in the known world.”* Again he says, in regard to it, “The clearness and brightness of the sky add new vigor to their spirits, and perfectly remove all splenetic and sullen thoughts. Here they enjoy all the benefits of a warm sun, and by their shady trees are protected from its inconvenience. Here all their senses are entertained with an endless succession of natural pleasures; their eyes are ravished with the beauties of naked nature; their ears are serenaded with the perpetual murmur of brooks, and the thorough-bass which the wind plays when it wanders through the trees; the merry birds too, join their pleasing notes to this rural concert, especially the mock birds, who love society so well that often, when they see mankind, they will perch upon a twig and sing the sweetest airs in the world.”† So wrote, a hundred and thirty years ago, a Virginian, enamored of his native land. His picture may be extravagant; but who does not admire the spirit in which it is drawn!

It is not my purpose to attempt to trace the history of Virginia from its first painful beginnings, through all the stages of its growth, up to its present state and condition. If the proper limits of this address did not forbid it, I should be prevented by my want of qualifications for the task. But the history of every people has a moral which it may be profitable to study, and not only teaches the mode in which its national character has been moulded for good, or ill, but also the means by which it may be

* Beverly's Hist. of Va. p. 256.

† Ibid, p. 258.

strengthened and elevated. To this extent the history of each people becomes a matter of general interest to all. The title a State may have to the respect of mankind must depend upon facts, and to preserve the historical evidences upon which they rest, ought to be a labor of love to its sons. To cast a passing glance at each of these views of our history, perhaps, may not be inappropriate on the present occasion.

To stimulate individual energy, and to extend individual liberty, seems to have been the great object of the Virginia colonists. Social strength was sought as the means for securing the opportunities for such a system of culture, rather than as the end to be attained by the development of individual freedom and energy. Accordingly, the largest liberty of individual action was sought, which in that day was deemed compatible with social order, and the due protection of persons and property. A knowledge of this their great desire, and of the circumstances under which it was modified and exercised, will afford the key to the colonial history of Virginia. "Existence without government, (says Bancroft, quoting from Jefferson,) seemed to promise to the general mass a greater degree of happiness than the tyranny of the European governments." * The establishment of an ordinance for common property, and the regulations of the home government, threatened to disappoint the Virginia colonists of their destiny; but the instinct of national character, and circumstances favorable to its development, by which they were surrounded, were too strong for artificial restraints. Says Bancroft, "They were Anglo-Saxons in the woods again, with the inherited culture and intelligence of the seventeenth century. The Anglo-Saxon mind, in its severest nationality, neither distracted

* Bancroft, vol. II, p. 213.

by fanaticism nor wounded by persecution, nor excited by new ideas; but fondly cherishing the active instinct for personal freedom, secure possession, and legislative power, such as belonged to it before the reformation, and existed independent of the reformation, had made its dwelling place in the empire of Powhatan.”*

It was this spirit which enabled them not only to surmount the difficulties which so embarrassed them at first, but in the end to convert them into auxiliaries of their growth and progress. The Indian power which was so near annihilating the colony in 1622, after it was placed under proper restraints, often served as a useful barrier to the too rapid dispersion of the white population in the wilderness. When we survey all the difficulties encountered by the early settlers, it is surprising that they survived the perils which surrounded them. Sometimes it was domestic dissension that disturbed them, then Famine stared them in the face, and to crown the whole, on one day they were nearly all annihilated by a general Indian insurrection and massacre, with all the cruel accompaniments of savage warfare “sparing neither age nor sex, but destroying man, woman and child, according to their cruel way of leaving none behind to bear resentment.”† In 1609, they were reduced by a famine of uncommon horrors from five hundred, to three-score men, when Sir Thomas Gates, Sir George Somers and Captain Newport arrived with their two little cedar vessels, the “Patience,” and “Deliverance,” built by themselves in Bermuda, where they had been shipwrecked, and offered either to stay with them and divide their provision, or to take them away, and put to sea again. This, and the opportune arrival of Lord Delaware, saved the colony upon that occasion, but the “starving

* Bancroft, vol. II, p. 454. † Beverly, p. 39.

time," as it was called, was long remembered in their annals.* Still more startling was the massacre in March, 1622, when, according to Beverly, "of Christians their were murdered three hundred and forty-seven, most of them falling by their own instruments and working tools." †

In grateful recollection of the preservation of the colony under so many difficulties more than one statute is to be found by which the "old planters" were exempted from a portion of the public burthens, and the 22nd of March, the day of the massacre, was by law set apart as a holy day, to commemorate their providential deliverance from utter destruction at that time. Of the feelings awakened by such events amongst a handful of settlers, environed as they were by so many perils, we can now form no adequate conception; but the colonial statutes of that period, and a little after, present some striking evidences of the condition of the people. A general war was declared against the Indians; certain periods of the year were fixed upon by law for hunting the savages, and falling upon their towns; persons were forbidden to work in the fields unless they were armed, and at least four of them together, and they were strictly enjoined to carry arms to church.‡

The trade between the whites and the Indians, and the terms of their intercourse to a certain extent, were regulated by law. The colonial government, of course, exerted to the utmost their feeble powers for the protection of the citizen, but after all, the main dependence was upon individual energy and resources. And upon that idea, the whole policy of the government was based. With such means, and entirely by their own exertions, they were able to work out their deliverance so far as to enable

* Beverly, pp. 21, 22, 23. † Ibid, p. 39. ‡ 1 Henning, 174, 317, 418, 319.

Sir William Berkeley to say in his answer to the Lords Commissioners of Foreign plantations, in 1671, "the Indians, our neighbors, are absolutely subjected, so there is no fear of them."* Of course this refers only to the settled parts, as history shows a very different state of things on the frontiers then, and long afterwards. It was, perhaps, well for the colony that it was forced to depend upon itself for protection against the dangers which assailed it, for it was this necessity which led to a social organization and domestic policy, upon which were founded the ultimate happiness and prosperity of the State.

In 1619, the first colonial assembly that ever met in Virginia, was convened by Sir George Yeardley† and in July 1621, a written constitution was first given by the London Company. The legislative power became thus vested in the Governor, Council and Burgesses of Assembly, elected by the people, the Council, after 1680, sitting apart as an upper house in legislative matters, and also advising the Governor as to his executive duties. The acts of this assembly, when assented to by the Governor, became laws, unless negatived by the Crown. The Council, although appointed by the Crown, or in case of vacancy by the Governor, held by a tenure which was in fact, though not in theory, independent, and for the most part, like the burgesses, sided with the people, with whom they had common interests.‡ The right of representative government being once granted, a domestic organization and policy were soon moulded so as to meet substantially the wants of the people. In 1623, monthly courts were established, and likewise commanders of plantations were instituted to be of the quorum, and also to exercise a military control over the plantation for which they were appointed. The general court was composed

* Hening, vol. II, p. 511.

† Ibid vol. I, p. 118.

‡ 1 Beverly, pp. 203, 4, 5, 6, 7.

of the Governor and Council, and appeals lay to the General Assembly.* The germs of the general and local governments of the colony were thus planted, and without going into the history of the various grants, and restrictions upon the power of the General Assembly, it may be said that the history of its legislation proves, that practically this body controlled the domestic affairs of the State, the Governor and Council, in most instances, concurring, or else being overruled by public opinion, except in some of those cases in which the king interfered for purposes of his own. Indeed, the Virginia agents who were sent to London to obtain a new charter from the king, in 1675, asked for a confirmation of the authority of the "grand assembly," consisting of Governor, Council, and Burgesses, and said "this is in effect, only to ask that the laws made in Virginia may be of force and value, since the legislative power has ever resided in an assembly, so qualified, and by fifty years' experience had been found a government more easy to the people and advantageous to the Crown; for in all that time, there had not been one law which had been complained of as burthensome to the one, or prejudicial to the prerogative of the other."†

In an address made by the Governor and Council in their legislative capacity, and by the House of Burgesses to the King in 1752, it is stated, "that as we conceive, according to the ancient constitution and usages of this colony, all laws enacted here for the public peace, welfare, and good government thereof, and not repugnant to the laws and statutes of Great Britain, have always been taken and held to be in full force until your majesty's disallowance thereof is notified here, and that the same may be revised, altered, and amended, from time to time,

* Sir William Berkeley's statement, in 1671, (Hening, vol. II, p. 512.)

† Hening, vol. II, p. 527.

as our exigencies may require. But that when a law once enacted here, hath once received your majesty's approbation, and both been confirmed, finally enacted and ratified, the same cannot by the legislature here be revised, altered or amended, without a clause therein to suspend the execution thereof, till your majesty's pleasure shall be known therein, although our necessities for an immediate revisal, alteration, or amendment be ever so pressing," * and accordingly they complain of the king's signing some of their own laws because they were thus placed beyond their reach, without the tedious process which they describe. From which it is to be inferred that their domestic legislation was for the most part framed by themselves, with but little interference from abroad. Such interference rarely took place except in matters relating to foreign commerce and imperial interests, or the more selfish and personal schemes of the king, or his favorites, for purposes of individual plunder.

The judiciary, too, was eminently popular; justices of the county courts practically filled their own vacancies, or the appointments were made by the Governor and Council, upon recommendations given by themselves. Appeals lay not only to the general court, but, as Sir William Berkeley declares, to the General Assembly itself; this, with the trial by jury, which was virtually given by the ordinance of the company in 1621, and secured by legislative enactment in 1642, † constituted a system which was satisfactory to the people at that time. But these county courts, which formed so important an element in the government of Virginia, and so powerful an agent in moulding the character of her people, and in promoting her prosperity, were not confined to judicial functions alone; they had many of the powers of a local

* Hening 5th, p. 436. † Ibid.

government, laying taxes, making roads, and sometimes even waging Indian wars, by the assent of the State first given, under their own management and with their own money. In 1645,* the counties of Isle of Wight and Upper and Lower Norfolk, were directed to make war upon the "Nansimon Indians." In the same year, certain other counties were associated to carry on war against the Indians,† under county lieutenants. In 1644, it was enacted, that those maimed and hurt should be relieved by the counties in which they resided. At first, the burgesses themselves were organized to be paid by the counties which they represented. In 1662, it was enacted that "whereas oftentimes small inconveniences happen in the respective counties and parishes, which cannot well be concluded in a general law; the respective counties, and several parishes in these counties, shall have liberty to make laws for themselves, and those that are so constituted by the major part of the said counties, or parishes, to be binding upon them as fully as any others.‡

In 1679, this system was further regulated || by associating delegates from the parishes with the justices. The first road over Rock-fish Gap was made by the county court of Augusta, under the authority of a law of the Assembly. Nay, so far did the early Colonial Assemblies go in this division of power and duties, that in 1645 they entered into a contract with Capt. Henry Fleet for ending the war with Opechancanough, for a consideration to be given him, and directed the counties north of James river to raise certain troops to be placed at the disposal of Lieut Fra. Poythers, and himself.§ The General Assembly thus acting, through and upon a sort of confederation of local governments, and stimulating, as I shall presently show, individual energy to the highest possible

* Hening 5th, p. 315. † Hening 1st, p. 292. ‡ Ibid 2, p. 171. || Ibid 2, p. 441.

§ Ibid 1st, p. 318.

activity, accomplished results which were wonderful for its means. By dividing the powers and duties of government amongst these local tribunals, and by apportioning to each in this way the expenses and burthens of public operations, in proportion to the share of benefit received by its constituents, they obtained the largest command of the resources and revenues of their people, which, perhaps, any government ever enjoyed. But this was not all, for they thus trained up the whole body of the people to the early consideration and management of public affairs, and secured a class—the magistrates of the county—who were always ready and willing to maintain order and justice at home, and to organize for defence in war. A class which constituted for the State its ornament in peace, and its defence in time of war. A more honorable and useful place in human society could not well be devised, than that which was held by the old Virginia magistrate. Commanding the entire respect of the people of whom he was one, and bound to them by the ties of a common interest and mutual association, he could not fail to enjoy their confidence. Wielding as one of the court the power of the state, and interpreting its laws by judicial decision within the limits of his county, or else sitting, like the Druid, under his oak to administer justice between man and man, in cases upon which he might act alone, he learned to understand the relations of law to public and private right.

In such keeping, the rights of himself and his neighbors were safe, and thus were trained up a class of men to whom the great body of the people might refer for counsel and assistance, in times of difficulty and emergency. Thus too, each county was provided with a local government, which provided the greatest possible security to persons and property to the extent of its jurisdiction. Under the existing circumstances of the

colony, a more admirable institution for political and judicial purposes could not have been devised. But this was not the only local subdivision of importance to the economy of the province; the counties were subdivided into parishes, in each of which was a vestry, who took charge of the temporal interests of the established church. But this vestry, originally selected by the people of the parish, filled vacancies in their own body and chose their own ministers, who held their livings at their pleasure, so that the same spirit for popular government, which was visible elsewhere in the institutions of Virginia, manifested itself here also.* A government thus constituted over a people sparsely scattered in different settlements, or plantations, was forced to rely upon individual energy and action, to an extent perhaps never known before in the affairs of a regularly organized society. The first thing was to settle upon a land system, which was finally moulded by the Assembly to suit for the most part the wants of the colony, although various obstacles were interposed by the selfish and unwise interposition of the crown.

By the original charter, a "right" to fifty acres of land to a person for removing to, and settling in, Virginia, and as much for his wife, and each of his children, was given and secured.† What constituted "seating," or settling, within the meaning of that, and subsequent laws, was the subject of legislative interpretation, as appears by many statutes to be found in Hening. So highly did the colonists value this mode of inviting immigration and settlement, that in the capitulation of the colony to the Commissioners of Parliament in 1651, this settlement right was specially reserved,‡ and in 1675, the agents sent out by Virginia, prayed "that the usual allowance of fifty

* Beverley, p. 227-8. † Ibid, p. 241. ‡ Hen. 1st, p. 364.

acres of land for each person imported, which experience had proved to be so beneficial, may be continued.”* Indeed, this grant of land upon the condition of settlement sometimes with, and sometimes without, a small price, became a favorite instrument in the hands of the General Assembly for extending the population into the wilderness, and for defending the new plantations. Forts were built at the heads of the rivers upon grants of land to the individuals building and settling around them, and armed occupation acts were early known to the Virginia land policy. When a new settlement was to be made, it was invited by an act of the Legislature, which generally exempted the settlers from public burthens, and taxes for a limited time, who, by an old and standing law, were entitled to a certain quantity of land for improving and “seating” it.† In 1776,‡ four hundred acres of land were given to each family settling vacant lands on the waters of the Mississippi, and to families who, for greater safety, had settled together, and worked the land in common, a town site of six hundred and forty acres was given, and a further grant of four hundred acres, contiguous to the town, was made to every family upon *considerations of such settlement.*”

In some cases \$2 25 per one hundred acres, or a cent and a quarter per acre were to be paid by those claiming the settlement provisions. In fact, the settlement of Virginia beyond the Blue Ridge, at least, seems to have been made by the grant of lands upon the condition of occupying, improving, and defending them. Of course in times great difficulty, and to the extent of her means, the State contributed to that defence, but the great reliance, after

* Hen. 2, p. 524.

† Hening 1st, p. 253, for not permitting settlements on north side Rappahannock river. In regard to settlement on the Roanoke, see Hen. 5th, pp. 37-58. In regard to settlements on the waters of the Mississippi, Hen. 6th, 258.

‡ Hening 9th, p. 356, and Marshall's History of Kentucky, vol. I, pp. 85, 6, 7, 8.

all, was upon individual resources. How far that reliance was just, may be found in the adventures of Boone, Logan, Hawood, Kenton and Clarke, and many others, whose heroic achievements upon "the dark and bloody ground," (as Kentucky was called,) might figure in romance, if in their case the reality were not even stranger, and wilder than fiction itself. In the experience of such men, war or peace might depend upon the accident of an hour, and if time were given to warn his neighbor of the approaching assault, or to dispatch a runner to the nearest settlement, he would have as much opportunity for preparation as he could reasonably expect. The lives and fortunes of his family must mainly depend upon his own courage and address. The difficulties, dangers, and sufferings of forest life, and Indian warfare, were all familiar to him, and he could use the hoe, the axe, or the rifle, with equal skill to defend himself against them. Take Marshall's account of the shifts to which early settlers in Fincastle, or Kentucky, as at different times the present State of Kentucky was variously called, and you will find that the contrivances of Robinson Crusoe were scarcely more primitive and simple. They encountered all this for what? To be *free*; free beyond all that was known in the experience of man; free to act and to feel, and to draw from the boundless stores of nature without let or hindrance from the competition of his fellow, and with no human opposition, except from the Indian, whose wild warfare seemed to diversify the adventures, in whose excitement he loved to live.

In thus pointing out the extent to which the freedom and energy of individual action was developed and encouraged by our colonial policy, it is but justice to our ancestors to show that it was not done without some regard also to the rights and welfare of the Indian, who, in the general, seems to have been treated kindly, except

in the exigencies of actual war, or under the provocation of some late massacre. In Hening's statutes for 1661,* may be seen a digest of laws previously passed, in which are to be found many of the germs of the federal policy in regard to Indian intercourse. The boundaries between the Indian territory and that opened to the settlements of the whites, were to be marked out; if the whites intruded upon them within their settlements, their houses were to be pulled down, and themselves expelled. Their persons and property were secured by law, and none but licensed traders were allowed to trade with them, and, to prevent collisions, no Indians were permitted to come within the settlements, except such as had badges. Subsequently, it was prohibited by law to sell them liquor or arms, and various provisions were made for their education and civilization.† After this review of the fundamental institutions of our colonial government, and of its policy in regard to the lands and the Indians, the two subjects of greatest interest to it, and which were so closely connected with the moral state and the necessities of the physical existence of the people, I think it will be admitted that our early organization, so far as it was of domestic origin, gave great efficiency to a society, whose members were so few and scattered. To settle the wilderness, and rear up a great people, were the main objects of their pursuit, and the chief ends of their mission. What progress was early made in this career, their history will attest.

I have already shown how they laid the foundation of our subsequent Indian policy with most of the conservative checks upon the cupidity of the white man, which have been introduced into federal legislation in favor of the aborigines. I might have shown, too, that they intro-

* Hening, vol. II, p. 138. † Stith's Hist. of Virginia, p. 217, and Beverley, p. 232.

duced the essential elements which have characterized our federal land policy, its pre-emptions,* its discriminations in favor of the actual settlers, and not its system, but a system of surveys and records. The provision for the record of the sales of lands, is said by Sir William Berkeley,† to have been at that day (1671) the only innovation upon the laws of England. In 1671, Sir William Berkeley says, he does not much miscount in rating the population of Virginia at above 40,000 persons, of which 8,000 were Christian servants for a short time, and 2,000 were black slaves.‡ In 1688, Bancroft estimates the population at more than 50,000.|| Such was the people of whom it was asserted in 1671, that “both the acquisition and defence of Virginia have been at the charge of the inhabitants, and that the people at that time were at the expense of supporting not only the government, but the governor, which occasioned their taxes to be very high, § and that these taxes must continue high for the maintenance and support of the government, execution of law and justice, and defence and ornament of the country, erecting and endowing of churches, maintenance of ministers of English ordination, doctrine and liturgy, building and furniture of forts, bridges, ships-of-war, towns,”¶ &c. In the same document it is asserted, by the Virginia agents, that their goods yielded to the king in his customs about 100,000 pounds.

This, too, was the handful of people who had commenced a contest for an enlargement of their liberties when their first assembly met, which they were still conducting at that time. In the very first assembly they declared that “the governor shall not lay any taxes, or impositions upon the colony, their lands or commodities,

* Marshall's History Kentucky, vol. I, p. 87. † Hening, vol. II, p. 512.

‡ Ibid, vol. II, p. 515. || Bancroft, vol. II, p. 452. § Hening, vol. II, p. 525.

¶ Hening, vol. II, p. 526.

otherwise than by the authority of the general assembly, to be levied and employed as the said assembly shall appoint,"* and in 1631, it was enacted that "for encouragement of men to plant store of corn, the price shall not be stinted, but it shall be free for every man to sell it as dear as he can."†

In 1652, during the English Protectorate, they asserted that "the right of electing all officers of this colony, should appertain to the burgesses,"‡ which right they exercised during that period. Bancroft says: "Virginia established upon her soil the supremacy of the popular branch, the freedom of trade, the independence of religious societies, the security from foreign taxation, and the universal elective franchise;"§ already she preferred her own sons for places of authority; the country felt itself honored by those who were 'Virginians born,' and emigrants never again desired to live in England."§ If a re-action to some extent took place after the restoration of monarchy in England, "it was not without an earnest struggle upon her part." The agents sent by her to England to obtain a new charter, essayed by argument to show that they were entitled to the privileges of Englishmen,¶ and said, that "they humbly conceived it to be the right of Virginians, as well as all other Englishmen, not to be taxed, but by their consent, expressed through their representatives."** Especially did they wish that the people of Virginia "should not be cantonized by grants given to particular persons," meaning the large and improvident grants to Arlington, Culpeper and others. It was during the delay of redress for these grievances, that Bacon's rebellion broke out in Virginia, caused partly by these large grants, which embarrassed the land titles

* Hening, vol. I, p. 122. † Ibid, vol. I, p. 173. ‡ Ibid, vol. I, p. 372.

§ Bancroft, vol. I, p. 231. § Ibid, p. 232. ¶ Hening, vol. II, pp. 525-6.

** Hening, vol. II, p. 535.

of the colony, and still more by the delay of the governor to punish the Indian outrages upon the whites.*

Whatever may have been the origin of this movement, it is plain from the action of Bacon's legislature, that their views extended beyond their first subject of complaint. They declared against plurality of offices, and for rotation in certain offices, disqualified all persons from holding offices except natives, or those who had resided in the country for three years, restored universal suffrage, required vestrymen to be elected every three years by the people of the parish, and prescribed that in each county representatives should be chosen by the people equal in number to the justices, to act with them in laying county levies, and making by-laws.† This movement, which was suppressed, caused much blood to flow, and great suffering in the colony. The author of the Northumberland tract says, it was whispered to have been said by the king, "that old fool, Sir William Berkeley, had hanged more men in that naked country, than he had done for the murder of his father." It was made an excuse, too, for denying the charter, and curtailing the privileges of the Colonial Assembly. Still, for all practical purposes, they continued to exercise more and more power over their domestic interests. The statute book proves it. They coined money, they laid duties for forts and light-houses, they made and managed Indian wars, authorized exploring expeditions, rewarded discoverers with a monopoly of the use of their inventions for a limited time, and maintained their right to appoint and control their own treasurer, and to appropriate by law the money raised by taxes. If a new territory was to be explored upon the Roanoke, or beyond the Blue Ridge, they offered an

* Account of T. M. of Northumberland; also Burwell's MS., and Force, 1st vol. Hist. Tracts.

† Hening, 2. Bacon's Laws.

exemption from taxes for a limited period, and gave settlement rights and pre-emptions to the adventurers. If a new road was to be opened, as that over Rock-fish gap, the county was empowered to lay the necessary taxes, and execute the work. If the Mattapony was to be opened by private subscription, trustees were appointed, and their duties prescribed.

It was a Colonial Legislature which first projected the improvement of the waters of the James above the falls, and of the Potomac up to Fort Cumberland; and in these instances, for the first time, by way of compensation to the private subscribers, they were authorized to take tolls after completing their work. The first direct appropriation for a road, which I have found, was for one to connect the east and the west, for which the arrears of certain taxes, due to the State, in Greenbrier and other counties, through which it was to pass, were appropriated. Forts were built, and manned, at the heads of the rivers, at their own expense, and a large military force, compared with their means and population, was kept on foot through nearly the whole period of their colonial existence. They maintained and endowed an established church at public expense, and sustained the whole burthen of domestic government, and defence, in the most difficult times. It has been charged, upon the authority of some statutes, probably never very strictly enforced, that they were intolerant of religious dissent, and Sir William Berkeley's letter has been used as evidence of their neglect of public education. In regard to the first charge, Beverly says, "Yet liberty of conscience is given to all other congregations pretending to Christianity, on condition they submit to the parish dues." And of Quaker communities, he says: "'Tis observed by letting them alone, they decrease daily."* In regard to the other allegation, it is said by

* Beverly, p. 226.

Beverly, "There are large tracts of land, houses, and other things, granted to free schools for the education of children in many parts of the country, and some of these are so large, that of themselves, they are a handsome maintenance to a master. These schools have been founded by the legacies of well inclined gentlemen. In all other places, where such endowments have not been already made, the people join and build schools for their children, where they may learn upon very easy terms." *

"But Spotswood," says Bancroft, "a royalist, a high churchman, a traveller, revered the virtues of the people." "I will do justice," he writes to the Bishop of London, "to this country. I have observed here less swearing and profaneness, less drunkenness and debauchery, less uncharitable feuds and animosities, and less knaveries and villainies, than in any part of the world where my lot has been." † When we come to consider the heavy burthens imposed upon the foreign commerce of Virginia by the British government, and its small population and resources at home, it is surprising to see how much was accomplished. Her settlements were constantly extending under the fire of the Indian rifle.

Spotswood, the most far-sighted of our colonial governors, early turned the attention of Virginia to the country beyond the Ohio, and exploring the passes of the Blue Ridge mountains, and penetrating into the valley, is said to have extended his views to Kaskaskia itself, at that time a French fort, separated from the nearest Virginia settlement by almost a thousand miles of wilderness. ‡ He but anticipated the day; the hint which he then gave was afterwards remembered. The progress of expansion went on until, perhaps, there was not a river or stream navigable to a canoe, from the James to Point Pleasant in

* Beverly, p. 240. † Bancroft, vol. II, p. 455. ‡ Ibid, vol. 3, p. 345.

Kanawha, which had not been the scene of bloody strife between the Virginian and the Indian. To make good her title within her chartered limits against not only the Indians, but the French, Virginia spared none of her resources, either in men or money. In 1746,* she contributed £4,000 to the expedition against Canada, and in 1754, she began to make provision in men and money for the French and Indian wars.† Ten thousand pounds were directed to be raised by loan by this act. In 1756, £25,000 were raised,‡ and for the first time treasury notes, but notes bearing interest, were used.

In process of time, as more and more money was raised, these notes were issued without interest, and made a legal tender, but, in all instances, specific taxes were laid for their redemption. That this sound policy was pursued is evidenced by the fact, that in 1768, the taxes laid to secure their payment were repealed, because, as alleged, a sum had been raised equal to the whole emission of treasury notes from 1754 to 1762 inclusive.¶ Bancroft was right in saying, "it was an age when nations rushed into debt, when stock-jobbers and bankers competed with land-holders for political power; and Virginia paid its taxes in tobacco, and alone, of all the colonies, alone of all civilized states, resisting the universal tendency of the age, had no debt, no banks, no bills of credit, no paper money.§ Until the French and Indian war, bills of credit had been unknown in Virginia. To sustain it, she spared none of her resources. The first movement in regard to the French occupation of Fort Du Quesne, was from Gov. Dinwiddie of Virginia, who dispatched Washington to ascertain their intentions. The first engagement, which opened the seven years' war, was between Washington and Jumonville, at the Great Meadows. At Brad-

* Hening, vol. V, p. 400. † Ibid, VI, 417. ‡ Ibid VII, 9. ¶ Ibid, VIII, 297.

§ Bancroft, vol. III, p. 396.

dock's defeat, "The Virginia companies (says Bancroft) showed the greatest valor, and were nearly all massacred. Of these companies, scarcely thirty men were left alive." * When Grant made his ill-advised march upon Fort Du Quesne with eight hundred Highlanders and the Virginia company, "the behavior of the Virginians was publicly extolled by Forbes." Afterwards Washington was placed in command of the advance, which numbered amongst its forces 1,900 men raised by Virginia, and after the place had fallen, two regiments of Virginians were left to guard it." † No sooner was this expedition over, than we find Virginia, after being foiled in her attempts to preserve the peace by compensating the whites for spoliation made on their property by the friendly Indians during their march homeward, passing acts to raise men, and borrow £32,000 to relieve Fort Loudon, built at her expense, ‡ in the Cherokee nation, which had been invested by these Indians.

Of all the money thus expended by Virginia, not only from her annual revenue, but from the loans which she made, I do not find any mention of more than £30,000 which were returned to her by the crown. To have sustained these burthens, and to have borne so great a share of this war, as she did, with her sparse population, shows a command of the resources of the country, and an energy on the part of the people, not often witnessed in history. She must have owed this to her institutions and internal organization, but more to the spirit of her people. In referring to her institutions and policy, it must not be forgotten, that one of these institutions was that of African slavery, and that a cardinal feature in her policy was taxation in kind. That the existence of African slavery contributed much to the early settlement of this country,

* Bancroft, vol. IV, 190. † Ibid, IV, 311, 12, 13.

‡ Henning, VII, 62. Ibid, VII, 334, 359.

there can be but little doubt. Whilst the master was absent exploring the country, or defending the settlements against the Indians, the slave cultivated the land at home, and opened and improved what the white man had conquered. We find the slave following his master into the most distant and dangerous settlements, and many instances are to be found of his defence of his master's family against the assaults of the Indians. The effect which this institution must have had upon the national character of the whites, I must say nothing of here; that it made the spirit of independence and freedom still prouder, and higher, than before, we have the testimony of Edmund Burke himself, and it is obvious enough that such a result would be the natural effect of such a cause.

That the fear of danger from the slave at home restrained the master in his enterprises abroad, there seems to be no sufficient evidence in our history; that such fears at one time existed in relation to the white servant, we have proofs not to be disputed. Sir William Berkeley in 1671,* states the number of white servants to be 8,000, while of slaves he then counted but 2,000, and it appears† that the former plotted an insurrection in 1663, which gave so great an alarm to the colony, that the general court made an order that no more "jail-birds," as they were called, should be brought into Virginia, and requiring a Mr. Nevett to send out the "Newgate birds" within two months, according to a former order of the court. Beverly says, in speaking of this movement, that they were led by "Oliverian soldiers."‡ But the slave who provided food for the family at home, seemed rather to have added to the master's sense of security abroad. Whilst this institution probably increased the number of fighting men, which the colony could send to war, the

* Hening, II, 510. †Ibid. ‡Beverly, pp. 5-8.

taxation in kind added greatly to the means of supporting them abroad, and of maintaining the government at home.

The people were thus enabled to bear the burthen of a taxation, which would have been intolerable if laid in money, under the existing state of commerce, and the circumstances which surrounded them. It is at once curious and instructive to see how they converted tobacco, their only great staple, into the medium for taxation, and a currency for domestic uses besides. I will venture to say, that a more curious and interesting study could not well be offered to the political economist, than the history of Virginia legislation upon this subject. Not only were the taxes laid in tobacco, but it was made a legal tender, between man and man.

At first, if a dispute arose as to the value of tobacco, when thus tendered, it was determined by the arbitration of neighbors, and afterwards by the county court. In process of time, it was found more convenient to establish warehouses, where all the tobacco to be exported was deposited, and inspectors were appointed to ascertain its quality. For this a receipt, or tobacco note, was given, specifying the quantity and quality, and at a price fixed, I think, annually by the county court of the county in which it was situated.

These notes became a currency, and were made a tender. But the price might vary from one year to another, and, accordingly, it was provided, that it should be a legal tender only for one year, at the price first fixed; its value from year to year being determined according to the fluctuations in the price allowed by the county court itself. There was also another difficulty; a note given for tobacco deliverable at one public warehouse, would not be so valuable as one issued from another more accessible to the foreign markets; a difficulty similar in its nature to that of keeping up the par value of the paper of different

branch banks. This was remedied, as far as a remedy was practicable at all, by another contrivance. Centres of trade for the different counties were fixed, and the tobacco notes of certain warehouses were a legal tender only in certain contiguous counties which were designated by law. But in fixing these values of the tobacco, the county courts might err, not probably from interest, but possibly by mistake. To meet this, a debtor might sometimes pay his debt in money instead of tobacco, if it pleased him, and in special contracts at home, the farmers might fix the prices of tobacco for themselves. Having but one article of foreign export, the colonists made the most of that; they constituted a currency of it, and by a system of contrivances made its value fluctuate with the foreign price of tobacco, and 'virtually with the state of foreign exchanges themselves. The quantity could not be well increased, without a corresponding increase of the production of actual values in the shape of tobacco, nor could it be diminished without a like falling off in the supply of the article, on which it was based.

As compared with the attempts of the other colonies to issue paper based upon credit, or, indeed, with some more modern and scientific attempts to create a paper money, how infinitely superior is this early contrivance of the old Virginians! Upon this subject, the testimony of Bancroft is not less eloquent than true.*

Vanban, the celebrated engineer, who was a financier also, is said to have addressed a memoir to Louis XIV, to

* Bancroft, vol. III, p. 39. For a series of acts on the subject of tobacco as a currency, see 1st Henin, 152, 190, 204, 209 to 213, establishing warehouses, 216, 206. Ibid, V, p. 168, allowing persons not raising tobacco to pay in money. Henning, VI, 159, 225, no crop notes of older date than eighteen months, a legal tender. 558, to allow tobacco debts to be paid in money for that year. 7th Henning, 240, debtors paying in money or tobacco at their option, for that year. Such acts seem to have been frequently passed, but for a limited time only. 1st Henning, 210, 211, allowing parties to fix prices by contract by domestic trade.

recommend that a portion of the taxes should be laid in kind, because the people could bear much greater burthens in that way, than in any other, and if the object was to extort as much as possible from the people for the use of government, he was probably right. The early history of Virginia would seem to prove it, for no people of the same number and means have probably ever contributed so much to government with so little inconvenience to themselves. As I have said before, the whole policy of Virginia was mainly founded on a reliance on individual energies, which were fostered by more than an usual share of individual liberty. It is an old subject of complaint with those who have written upon Virginia affairs, that the Virginians devoted themselves too exclusively to agriculture and individual enterprises. Beverly reproaches them with their want of "cohabitation" and towns; if such was their want, it was no fault of theirs, for their general assembly made all the attempts to foster trade and industry, which were suggested by the views of political economy prevalent at that time.

In 1642, they declared "freedom of trade to be the blood and life of a commonwealth."* The history of our colonial legislation is replete with acts to encourage the establishment of towns. As early as 1657, the legislature offered premiums for the production of silk, flax and staple commodities.† "Adventurers in iron works" were stimulated by exemption from taxation, and other privileges.‡ Acts were passed at various times to encourage the production of wine and silk. The State itself sometimes embarked in these undertakings, as in the manufacture of salt in 1776.|| Sometimes individuals raised money by subscription, and the State appointed trustees to receive and distribute the money in premiums

* 1 Hening, p. 233. † Ibid, I, 469. ‡ Ibid, IV, 328. || Ibid, IX, 123.

for the production of certain commodities.* And yet the various forms of social industry did not thrive in Virginia. The genius and mission of the people were for other objects. In the north-eastern British colonies, they looked more to the forms of association for the means of development. Settled originally as a church, and so governed, society was invested with large powers over individual action; social strength and privileges were the great objects of their culture, and social industry, in its various forms, received a large and early development. But natural taste, and the circumstances in which she was placed, gave to Virginia enterprise another direction. She became the *pioneer colony* amongst all the British provinces. "Like Massachusetts, Virginia was the mother of a cluster of States."† She sent exploring parties into Carolina, with a promise of a fourteen years' monopoly of the profits; and such expeditions she continued to send both to the south and to the west, but mainly to the west. Upon the remotest confines of the white settlement westward, the smoke of the Virginian's cabin ascended, and in the farthest fastness of the forest, or wildest gorge of the mountains, the crack of his rifle was heard. Upon the hunting grounds of the Six Nations and the Cherokees, he was known and feared as "the long knife;" with the axe and the rifle, he made good his advance into the wilderness. Felling the forest, and driving the Indians before him in the course of his progress, he made the settlements upon which new states were afterward to be founded. Never turning her regards from the Mississippi, after they had been once directed to that quarter by her governor, Spotswood, Virginia pursued the dream of western empire with a determination which nothing could shake.

* 7 Hening, p. 288 and 563. † Bancroft, vol. 11, p. 133.

As I said before, when the French made their appearance before Fort Du Quesne, it was Virginia who first demanded the cause of their coming. It was she who, at the Great Meadows, opened the first fire in the French and Indian war, and who, with all her aversion to paper money, for the first time conquered it upon that occasion, and strained her credit to the utmost to raise funds for the prosecution of that war. One of the first roads to which she ever contributed money directly, a small sum it is true, was to connect the north branch of the Potomac with the Ohio at Fort Pitt, and the preamble of the act declares this to be done both for military and commercial purposes.* And all the perils of the great revolutionary struggle, in which she bore a part as conspicuous and difficult as any, she was still faithful to the great aspirations which so long had guided her. The early history of Kentucky, which is our history, shows that the people of that country, then a part of Virginia, with such aid as the State could afford, without assistance from any other quarter whatever, made good our possession of the country upon the Ohio, in a series of heroic struggles, whose interest was so deep, and often so tragic, that they seem to wear the air more of fiction than of fact. The Six Nations were the most warlike of all the Indian tribes, and Kentucky their favorite hunting ground, they contested with more than their wonted energy. And yet on this "dark and bloody ground," did Virginia extend her settlements, in the fiercest period of the revolutionary conflict, and engage in one long struggle, not only for freedom, but for empire, from the shores of the Atlantic to the waters of the Ohio and the Mississippi itself.

In 1711, when Spotswood, the ablest of Virginia governors, proposed to strike at the French settlement of

* 8th Hening, p. 252.

Kaskaskia,* by the incorporation of a Virginia trading company, he was ahead of his time. The western boundary of Virginia settlement was then about the Blue Ridge, and hundreds of miles of wilderness formed an obstacle too great to be surmounted by such a power as she could wield. She could, and did, bide her time. In 1744, she acquired by treaty the Indian title over the basin of Ohio,† and by 1778, she was seated on that river. George Rogers Clark, one of her greatest sons, and who for native military genius must rank amongst the distinguished men of the world, renewed the idea of governor Spotswood. Then Kaskaskia, as before Fort Du Quesne, was the centre from which Indian incursions were directed upon the Virginia settlements. His comprehensive and active mind, enabled him not only to appreciate the military value of the post, but to suggest the means by which it was to be conquered. The general assembly of Virginia lent him a ready and willing ear, and in 1778, a regiment of State troops for the service of the western frontier, was raised, and placed under the command of Clark. In all the annals of successful military enterprises, none are more surprising than this; with two or three hundred men he prepared to attack the town of Kaskaskia, separated by a vast wilderness from the nearest Virginia settlement, and containing as many houses as he had men, and garrisoned by British troops, who could command the support of warlike and populous Indian tribes. The only hope of success depended upon surprising the enemy, and, in the face of every difficulty, he managed to do it. Breaking through forests, and wading through ponds, he marched two days after his provisions were exhausted, and appeared before the town

* Bancroft, III, 345.

† Ibid, III, 455.

at night. "Not a scattering Indian had espied his march, not a roving hunter had seen his trail."*

So complete was the surprise, that the town fell without a struggle. The British were still so superior in point of forces, that Hamilton, who commanded at Vincennes, upon the Wabash, took his time for organizing a scheme for not only driving him from Kaskaskia, but for cutting off the settlements on the Ohio up to Fort Pitt. So secure was he in the consciousness of his superior strength, that he dispatched his Indian auxiliaries to harass the frontiers of Kentucky, whilst he remained in garrison with his regulars, to commence operations upon an extensive scale, after the close of the approaching winter. But in the very depth of winter, Clark, at the head of one hundred and thirty men, emerged from the swamps, through which he had marched for five days, and for the last five miles with the water up to their hearts,"† surprised the fort, and captured it with the garrison and stores. Marshall well says: "These expeditions of Col. Clarke were highly important, and beneficial in their consequences. They broke and deranged the plan of operations intended to pour destruction upon the whole population west of the Alleghany mountains; they detached from the British interest several of the Indian tribes south of the Great Lakes; their influence in Kentucky was immediate, extensive and salutary. And in all probability, they contributed essentially to fix the limits of the United States ultimately by the Mississippi; as those of Virginia were extended to that river immediately after one of these conquests."‡ That Virginia herself estimated her western possessions at their proper value, is proved by the exertions she made to preserve them. Mr. Jefferson, in a letter to General Washington, tells him that "Virginia is

* Marshall's Hist. Kentucky, vol. I, p. 68. † See letter G. R. Clarke, vol. I, p. 451.

‡ Marshall's Hist. Kentucky, vol. 1, p. 71.

obliged to keep on duty from five to six hundred men in the defence of the western settlements at a great and perpetual expense;"* and in another letter, to the same person in 1781, he says that "she is obliged to embody between two and three thousand men in that quarter."† This, too, was at the time when the British, under Arnold, had invaded the State, and when the larger portion of her forces were with the southern army.

Nor did Virginia forget the interests of the territory, thus painfully preserved from the British grasp after the treaty of peace. Evidences of the zeal and energy with which she struggled to maintain her right to the navigation of the Mississippi, are to be found in Mr. Madison's correspondence, as published in his works, and Marshall's History of Kentucky. And yet, again, by an act as magnanimous as can be found in the history of any people, she ceded away to the United States this immense territory, almost without any consideration, other than that of the benefit to be derived by the people who were to settle in it, and the general welfare of the Confederacy. Nor would the act have been unwise, if it had not been for the fatal provision, which excluded her own sons from an equal participation in the advantages of settling that country.

In the course of this narrative of her relations to the western country, I have said but little of the part she bore in the Revolutionary War. This was so conspicuous as to be familiar to all. My object has been to trace the social system of Virginia to its elements, to show its origin, and point out the circumstances under which it grew and prospered. The great principle of a division of honor amongst connected jurisdictions, so as to secure the responsibility of interests for the just action of each, has nowhere been presented so surely and so fully as in this

* 1st Jeff. 185. † Ibid vol. I, 222.

State, and nowhere else has the action of government itself, at so early a period, been so proudly based upon individual liberty and energy as in Virginia. This is the key which will explain the nature of the part she bore in the revolution, and also the early preferences she displayed for the principle of confederation over that of consolidation. So well had Virginia been trained in this system of government, that the dissolution of the old form, and the disappearance of the governor in 1775, scarcely made a breach in her proceedings. To the machinery of committees of safety the convention of Virginia gave at once a distinct organization. "A general committee of safety, was appointed by the convention, which was invested with the supreme executive powers of government. County committees were elected by the free-holders of the several counties and corporations, from which district committees were deputed. On these committees devolved the appointment of the captains and subaltern officers of the regulars and minute-men, and the general superintendence of the recruiting service."*

The origination of committees of correspondence between the legislatures of the different States, which partially led to the first Continental Congress, belongs, as Mr. Jefferson informs us, to Virginia.† By her delegates, too, was the resolution for the declaration of independence first moved in the Continental Congress in 1776,‡ and by her own distinguished son was that immortal document drawn. Of her may be said, what, perhaps, can be said of none of the other States, that there was no important theatre of military operations, and after Bunker Hill, no important battle, in which her blood did not freely flow. From the heights of Abram and Boston, in the north, to Charleston and Augusta, in the south, and from German-

* 9th Hening, Preface. † Jeff. vol. I, pp. 4 and 94. ‡ Ibid vol. I, p. 94.

town and Yorktown, in the east, to Vincennes and Kaskaskia, in the west, her sons were everywhere in the field. In 1780, Mr. Jefferson, in a letter to Gen. Washington, says: "The number ordered from this State into the northern service are about seven thousand. I trust we may count that fifty-five hundred will actually proceed."* In a report, made at the first session of the twenty-eighth congress by the Hon. E. W. Hubbard of our own State, it is proved that Virginia furnished sixteen continental regiments, besides Lee's light armed corps, and Bland's regiment of cavalry, and also seven State regiments, and a State navy numbering 1,500 men.† Mr. Jefferson, in an application to Gen. Washington for a loan of some supplies from Fort Pitt for an expedition which Virginia meditated against Detroit, says: "We think the like friendly office performed by us to the States, whenever desired, and almost to the absolute exhaustion of our own magazines, give well founded hopes that we may be accommodated on this occasion. The supplies of military stores which have been furnished by us to Fort Pitt itself, to the northern army, and most of all to the southern, are not altogether unknown to you."‡

Again, in speaking of the unarmed condition of the militia, he says: "Yet if they (Congress) would repay us the arms we have lent them, we should give the enemy trouble, though abandoned to ourselves."|| In the whole of this great and difficult contest, I believe there is no taint of selfishness, or illiberality, to be found in the conduct of Virginia. Her escutcheon was borne by her sons through that fiery ordeal unstained by aught save the blood of the battle-field, or the smoke of the fight. Hers, too, was that son, of whom it was so justly said, after the scenes of his life were closed, that he had been "first in

* Jeff. vol. I, p. 184. † Rep. p. 94. ‡ Jeff. vol. I, p. 199. || Ibid, p. 210.

and when she takes her appropriate place in the great Pantheon of History, there shall ascend from her altars, not the smoke from the blood of her victims, but the grateful incense of the noblest of human aspirations, those of the soul, after a larger liberty of self-development, and a wider range in the boundless domain of thought. In the great Epos of Humanity we see nation after nation seizing the torch of civilization as it passes to the head of the column to lead the advance in the mighty march of our race. In the struggle for mastery, some faint and some fall by the wayside. Nationalities decay, and the forms of their institutions pass away, but each, ere it leaves the scene, bequeaths its great and characteristic thought as an everlasting possession to man. Beneath the very ashes of their decay lives a fire whose light is as imperishable as truth itself, and which is capable of transmission from generation to generation, so long as the human mind exists to afford the subject to feed the sacred flame. Some leave a new light, and others inspire a higher hope to guide or to animate the march of humanity. When we look thus to the achievements of others, and reckon up the legacies of immortal thought bequeathed by the past to the present, is it extravagant to hope that Virginia, too, may contribute her idea whose type may be found hereafter in some new stage of human progress. It is a pious wish, and for one I dare to indulge it.